

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES GARSON DAVIS, BL7087,

Plaintiff,

v.

CITY OF SALINAS, et al.,

Defendant(s).

Case No. [21-cv-09665-CRB](#) (PR)

**ORDER INSTRUCTING CLERK TO
CLOSE CASE**

(ECF No. 2)

On December 10, 2021, plaintiff filed a pro se prisoner complaint under 42 U.S.C. § 1983 in the Eastern District of California which, on December 14, 2021, the Eastern District transferred to this court. The transfer was executed on December 22, 2021. See Davis v. City of Salinas, No. 21-cv-09931-JCS (N.D. Cal. Dec. 22, 2021) (case transferred in from Eastern District).

But because plaintiff did not know that the transfer would be executed automatically by the courts, he submitted a copy of his complaint to this court on December 15, 2021, and the clerk filed it as the instant new case. See Davis v. City of Salinas, No. 21-cv-09665-CRB (N.D. Cal. filed Dec. 15, 2021). Plaintiff since has clarified that he did not intend to file two duplicative cases and would like to proceed with the first filed case only.

Good cause appearing therefor, the clerk is instructed to close the instant case, 21-cv-09665-CRB, as improvidently filed/opened and to terminate all pending motions therein (see, e.g., ECF No. 2) as moot. No filing fee is due in connection with case number 21-cv-09665-CRB.

Plaintiff may proceed only with case number 21-cv-09931-JCS.

IT IS SO ORDERED.

Dated: February 16, 2022



CHARLES R. BREYER
United States District Judge